IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 2474 of 2005()

CRA.440/2003 of SESSIONS COURT, PATHANAMTHITTA
CC.211/2002 OF CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA

REVN. PETITIONER: APPELLANT/ACCUSED

MANOJ.K.BABU,
S/O.BABU RAJENDRAN, KOZHIKUNNATHU HOUSE,
THAZHAM.P.O., MALAYALAPUZHA.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS: RESPONDENT: COMPLAINANT

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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

2. T.PRASANNAN PILLAI,
AJI BHAVANAM, THAZHAM MURI,
MALAYALAPUZHA VILLAGE,
KOZHENCHERRY TALUK.

R2 BY ADV. SRI.S.MUHAMMED HANEEFF
R1 BY PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 28/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

CRL.R.P.NO. 2474 OF 2005

Dated this the 28th day of November,2006

O R D E R

The accused was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to pay fine of Rs.80,000/- and in default, to undergo simple imprisonment for thirty days. The trial court directed that the fine amount, if recovered shall be paid as compensation to the complainant under Section 357 (1) of the Code of Criminal Procedure. On appeal, the Appellate Court confirmed the conviction and sentence and dismissed the appeal.

2. Crl.M.A.No.11965 of 2006, signed by the complainant and the accused and their counsel, was filed seeking to compound the offence and that application was allowed.

Accordingly, the Criminal Revision Petition is allowed, the conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

CRL.M.C.NO. OF

O R D E R

September, 2006

K.T. SANKARAN, J.

CRL.M.A.NO. 11965 OF 2006

Dated this the 28th day of November,2006

O R D E R

This is an application under Section 147 of the Negotiable Instruments Act seeking to compound the offence under Section 138 of the Act. The application is signed by the complainant and the accused and their counsel. It is stated in the application that the dispute between the complainant and the accused has been settled. Hence the application is allowed.

(K.T.SANKARAN)
Judge

ahz/